

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**CARLOS L. JACKSON, #640241,**

Plaintiff,

v.

**J. WELCH, *et al.*,**

Defendants.

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Civil Action No. **3:13-CV-100-L**

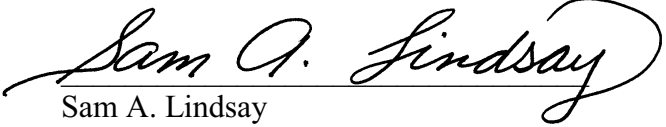
**ORDER**

Plaintiff Carlos L. Jackson (“Jackson”) brought this action alleging violations of his Eighth Amendment rights while incarcerated in the Dawson State Jail. The case was referred to Magistrate Judge Renee Harris Tolliver, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on May 19, 2013, recommending that the case be dismissed with prejudice in part as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). Specifically, the magistrate judge recommended that Plaintiff’s claims based on verbal abuse and harassment, as well as any official-capacity claim against Defendants Welch, Wyatt, and Tatum, be dismissed with prejudice as frivolous. In addition, the magistrate recommended that all claims against Brad Livingston and Michael Phillips, insofar as Plaintiff is seeking to sue them in this action, be dismissed as frivolous. Plaintiff filed objections to the Report on June 6, 2013, contending that the claims at issue are not frivolous.

Having reviewed the pleadings, file, record in this case, objections, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court

**overrules** Plaintiff's objections and **dismisses with prejudice** as frivolous: (1) Plaintiff's claims based on verbal abuse and harassment; (2) any official-capacity claim against Defendants Welch, Wyatt, and Tatum; and (3) all claims by Plaintiff against Brad Livingston and Michael Phillips.

**It is so ordered** this 10th day of June, 2013.

  
Sam A. Lindsay  
United States District Judge